

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PASADENA UNIFIED SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013120649

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE, AND DUE PROCESS
HEARING

On December 23, 2013, Pasadena Unified School District (District) filed a request to continue the dates in this matter. District requests the due process hearing be set on a date less than 90 days from the date initially set. The reason for the request is that the parties' estimate the hearing will take two days to complete and, as currently set, the first day of hearing would be January 9, 2014, and the second day of hearing would be January 21, 2014, due to a scheduled statewide training for the Office of Administrative Hearings January 13, 2014, through January 17, 2014, and a state holiday on January 20, 2014. Although it does not appear that District has attempted to meet and confer in order to obtain agreed upon dates from Student, no opposition to the dates requested has been filed.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated.

Mediation:	February 13, 2014, at 9:30 a.m.
Prehearing Conference:	February 28, 2014 at 10:00 a.m.
Due Process Hearing:	March 10, 2014, beginning at 1:30 p.m., and March 11, 2014, beginning at 9:00 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: December 27, 2013

/s/

MARIAN H. TULLY
Administrative Law Judge
Office of Administrative Hearings